

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
SEPTEMBER 6, 1967

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, September 6, 1967, in the City Hall Council Chambers.

## ROLL CALL

Present: Councilmen - BROWN, CULBERTSON, HUNNELL,  
WALTON and KIRSTEN

Absent: Councilmen - None

Also present: City Manager Glaves, City Attorney Mullen, Administrative Assistant Peterson and Planning Director Schroeder.

## MINUTES

Minutes of August 16, 1967 were approved as written and mailed on motion of Councilman Culbertson, Walton second.

## PUBLIC HEARINGS

A. COSTA  
APPEAL

Notice thereof having been published in accordance with law, Mayor Kirsten called for public hearing on the appeal of A. Costa from the requirement of the Planning Commission that approval of the Map of Shady Acres Subdivision requires the developer to provide 6-foot fencing to shield the City's well site from proposed Lots 20 and 21, such fencing to consist of redwood boards with pipe posts located on continuous concrete curb. Mr. Victor Meyer, 41 South Sacramento Street, representing Mr. Costa, presented members of the Council with copies of a drawing showing the well site and right of way that was to be exchanged. He said that at the time Mr. Costa had agreed to pay for the fencing he had assumed that it would cost around \$430, but later found out that the fence being required by the City would cost around \$1500. Mr. Meyer said that at the time the conditions were agreed upon, no standard design for the fence was available. He felt the City had some responsibility and was therefore asking the City to share the difference in cost. Since there were no other persons in the audience who wished to speak on this matter, the public portion of the hearing was closed.

According to City Manager Glaves, to accommodate the subdivider the City had agreed to exchange the present roadway to the pump for a new access which the City was not requiring the subdivider to improve. The fencing required of the subdivider was to protect the property owners in the subdivision, and the City would be responsible for the fence on the other two sides. He said it was the same type of fencing that has been required for the City's last two wells and the subdivider could have obtained the fence design from the City at the time the fencing was agreed to. Councilman Culbertson said he had questioned payment of the fence by the subdivider because he felt the well was a non-conforming use in a residential area and the City should be responsible for the fencing. On the other hand, Councilman Walton was of the opinion that the well was not non-conforming, that the subdivider had agreed to certain conditions, and was now coming to the Council with one point. Councilman Hunnell pointed out that the subdivider had waited over 100 days beyond the deadline for making an appeal, before coming to the Council. After further discussion, Councilman Walton moved that the appeal of A. Costa from the requirement

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of the Planning Commission in regard to fencing a City well site as a condition for approval of the map of Shady Acres Subdivision be denied. The motion was seconded by Councilman Hunnell and carried by the following vote:

Ayes: Councilmen - HUNNELL, WALTON and KIRSTEN

Noes: Councilmen - BROWN and CULBERTSON

CORO  
FOUNDATION  
GROUP

Mayor Kirsten introduced the following students representing the Coro Foundation which trains young men and women for leadership in public affairs: Vicki Rothburg, University of California; John Bruckman, San Jose State; Roy Sussman, Yale; John Wilson, University of California; and Alex Saldamando, University of California and Hastings Law School. The group is making a survey of the City of Lodi.

APPEAL -  
LODI UNION  
ACADEMY

Notice thereof having been published in accordance with law, the Mayor calling for public hearing on the appeal of Lodi Union Academy to rezone 200 feet of their property on the north side of Kettleman Lane from Cherokee Lane to Central Avenue from R-4 Multiple Family-Institutional Residence District to C-2 General Commercial. Their request for this rezoning had been denied by the City Planning Commission. Mr. J. Thomas Seibly, Attorney at Law, representing Lodi Union Academy, stated the academy has been changed to a day school and that a master plan has been drawn up for the property, including new school buildings and the use of the property facing Cherokee Lane and Kettleman Lane for commercial enterprises. He said the commercial zone would act as a buffer between the school and the highways. In his opinion, Kettleman Lane was not analogous to Lodi Avenue as "strip" zoning, since Kettleman Lane had 150 feet of right of way which would be ample for traffic even with commercial zoning on both sides. He said the Academy had no intention of selling any of this property, but that the commercial area would be leased. There were no others in the audience who wished to speak on the appeal. Three letters were received but not read, all in favor of the appeal. The public portion of the hearing was then closed. Members of the Council discussed the effect such rezoning would have on the use of Kettleman Lane and on the Master Plan in regard to sewers, drainage, etc., whether it would be "strip" zoning, and whether a study of the entire street should be made. Councilman Brown moved that the appeal of Lodi Union Academy be approved and that the property on the north side of Kettleman Lane between Cherokee Lane and Central Avenue be rezoned from R-4 to C-2 for a depth of 200 feet. The motion was seconded by Mayor Kirsten, and failed to carry by the following vote:

Ayes: Councilmen - BROWN and KIRSTEN

Noes: Councilmen - CULBERTSON, HUNNELL and WALTON

KETTLEMAN LANE  
ZONING REFERRED  
TO P. C.

Councilman Walton moved that the matter of zoning along Kettleman Lane from the Freeway to Lower Sacramento Road be referred to the City Planning Commission. The motion was seconded by Councilman Hunnell and carried, with Councilman Brown voting no.

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JAKE BIETZ

Mr. Jake Bietz, 409 Mission Street, addressed the Council in regard to the house of Maurice O. Ray, Jr., on Wellswood Avenue which is to be moved. He was told that Mr. Ray had found a lot to which he could move the house so it should not be much longer before the house is relocated.

C. HOELLWORTH

Mr. Clint Hoellworth, 719 South Garfield Street, representing St. Peter's Lutheran Church, said that he had been working with the City staff in regard to drainage of the church property and he would like to enlighten the Council concerning the problem. On motion of Councilman Hunnell, Walton second, the matter was placed on the Agenda of September 20.

JOHN ZENCO  
RE DOGS

Mr. John Zenco, 225 North Hutchins Street, complained about dogs barking and running loose. He was informed that the City was getting another pound truck and had hired an assistant to the Poundmaster in an effort to reduce the problem.

#### PLANNING COMMISSION

FINAL MAP -  
SHADY ACRES  
SUBDIVISION

All of the requirements of the City having been met, the final map of Shady Acres Subdivision was presented for Council approval. On motion of Councilman Brown, Hunnell second, the final map of Shady Acres Subdivision was approved and the Mayor directed to execute the Subdivision Agreement by unanimous vote.

SHADY ACRES  
PROPERTY  
EXCHANGE

In connection with the Shady Acres Subdivision, a deed has been received from Mr. and Mrs. Anthony J. Costa in exchange for City property to provide a new right of way to the City well site in the subdivision. Councilman Brown moved that the deed be accepted from the Costa's and that the Mayor be authorized to sign the deed conveying the City property to Mr. and Mrs. Costa. The motion was seconded by Councilman Hunnell and carried by unanimous vote.

PROPOSED  
ZONING  
DEFINITIONS

The Planning Commission has recommended that the Zoning Ordinance (Chapter 27 of the Code) be amended to include definitions for the following: Mobile Homes and/or Trailer Parks, Nursing Homes or Convalescent Homes, and Hospitals. On motion of Councilman Culbertson, Hunnell second, the proposal was set for public hearing on September 20, 1967.

PC ACTIONS

The Planning Commission also took the following actions of interest to the Council:

1. Adopted a general list of reasonable conditions which may be applied to use permits.
2. Recommended to the County denial of the request of Signal Oil and Gas Company for a use permit to erect a service station at the southeast corner of Kettleman Lane and Lower Sacramento Road.
3. Denied the request of Mr. Eugene E. Jerome for a variance to increase the maximum permitted sign area at 114 North Sacramento Street.
4. Approved the request of Mr. Mac Prussner for a variance to reduce the required 5-foot side yard to permit an addition to an existing dwelling at 309-1/2 Daisy Avenue.

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COMMUNICATIONS

TEIERLE LOT -  
NE CORNER OF  
HAM & LODI AVE.

A letter was read from Atherton & Dozier, Attorneys-at-Law, stating that their client, Mrs. Teierle, owner of the lot at the northeast corner of Lodi Avenue and Ham Lane, had offered to sell her property to the City at a fair price, but if the City decides to buy just a portion of her property, she will seek damages for injuries to her home. Public Works Director Jones said the present plans for signalization and improvement of the Ham Lane-Lodi Avenue intersection do not include Mrs. Teierle's property. Councilman Culbertson stated this was a bad corner, and he would like to see plans for its ultimate improvement. Mr. Graves said he would present a drawing at the next meeting.

CORINTH AVENUE  
STREET LIGHTS

RES. NO. 3084  
AND  
RES. NO. 3085

A petition for installation of street lights on Corinth Avenue between Elm Street and Lodi Avenue certified by the City Clerk to contain signatures of owners of more than 60% of the property described in the petition was presented for action by the Council. The petitioners have waived the investigation provided for by the "Special Assessment, Investigation, Limitation and Majority Protest Act of 1931" in connection with the installation. Plans and specifications for the proposed district were also presented. On motion of Councilman Culbertson, Hunnell second, the City Council adopted Resolution No. 3084 adopting the plans and specifications for the lights for the Corinth Avenue Street Lighting District. On motion of Councilman Culbertson, Hunnell second, the City Council adopted Resolution No. 3085 stating the Council's intention to form the Corinth Avenue Street Lighting District and setting public hearing thereon for October 4, 1967.

CATV

A letter was read from Television Unlimited expressing interest in servicing the City with a cable television system and encouraging the City Council to initiate action on a CATV ordinance so that formal application can be made. Mr. Gordon Rock, representing Television Unlimited, said that his company cannot request a permit to install CATV until the City has an ordinance and that he would be glad to send the City staff copies of ordinances of other cities. City Attorney Mullen stated the League of California Cities also has a model ordinance for CATV. The Council agreed that the staff should investigate and report on this matter.

BOB MONAGAN  
RE FEDERAL TAX  
SHARING

A communication was received from Assemblyman Bob Monagan requesting the Council to endorse Assembly Joint Resolution No. 29 urging the Congress of the United States to enact a tax sharing program. Copies of AJR No. 29 will be mailed to members of the Council.

ABC LICENSES

The following applications for Alcoholic Beverage licenses were noted:

1. James A. and Marilyn Brookes, On Sale General, "El Rancho," 621 North Cherokee Lane.
2. Edgar R. Wimer, original application for On Sale Beer, "The Friendly Tavern," 23-25 North Sacramento Street.
3. From D. F. Evans and D. D. Herr to Peggy J. Schieber, On Sale Beer, "Travelers' Tokay Lane," 114 North School Street.

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## REPORTS OF CITY MANAGER

CLAIMS Claims in the amount of \$424,435.24 were approved by unanimous vote of the City Council on motion of Councilman Culbertson, Brown second.

AWARD - B-1 PUMPS AND MOTORS Bids received for the pumps and motors for B-1 Retention Basin were as follows:

RES. NO. 3086	San Joaquin Pump Co.	\$7104.50
	Munz Pumps	8268.26
	Delta Pumps	8748.24
	Clancy Pump & Supply	8788.85

Mr. Graves recommended that award be made to the low bidder, San Joaquin Pump Company. Councilman Walton, Hunnell second, moved the adoption of Resolution No. 3086 awarding the contract for the furnishing and and installation of pumps and motors for Basin B-1 to San Joaquin Pump Company for a total of \$7104.50. The motion passed unanimously.

AWARD - VINE ST. IMPVTS

RES. NO. 3087

Mr. Graves reported that only one bid had been received for improvement of Vine Street - 150 feet East of Crescent Avenue to Hutchins Street. The bid was from the Claude C. Wood Company for a total of \$14,784.50. The Public Works Department feels that a lower bid cannot be obtained by readvertising and therefore recommends that award be made. On motion of Councilman Culbertson, Brown second, the City Council adopted Resolution No. 3087 awarding the contract for the Vine Street Improvements to Claude C. Wood Company for a total of \$14,784.50.

AWARD - HAM LANE - LODI AVE INTERSECTION

RES. NO. 3088

Two bids were received for improvement of the Ham Lane-Lodi Avenue Intersection, as follows:

Tompkins & Gallaven	\$30,331.80
Claude C. Wood Co.	31,126.70

Mr. Graves reported that Tompkins & Gallaven had agreed to remove the subcontractor, Elmer Brown, and would do that portion of the work themselves. Councilman Hunnell moved the adoption of Resolution No. 3088 awarding the contract for the Ham Lane-Lodi Avenue Intersection project to the low bidder, Tompkins & Gallaven, subject to removal of the subcontractor, for a total of \$30,331.80. The motion was seconded by Councilman Walton and carried, with Councilman Brown abstaining.

AWARD - STREET MATERIALS

RES. NO. 3089

Mr. Graves stated that no bids had been received for street materials at the time set for opening of bids. However, Claude C. Wood has submitted the following quotation which Mr. Graves recommended be accepted:

700 T Class 2 aggregate base	2.55/T
300 T Concrete sand	2.70/T
300 T Asphalt concrete 3/8" SC-800	6.45/T
1000 T Asphalt concrete 1/2" 85-100	6.20/T
2000 T Asphalt concrete 3/8" 85-100	6.45/T

Councilman Brown moved that any irregularity in the bid be waived and that the Council adopt Resolution No. 3089 awarding the contract for the street materials to Claude C. Wood Company in accordance with the Company's quotation. The motion was seconded by Councilman Hunnell and carried by unanimous vote.

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AWARD -  
SUBDIVISION  
PAVING 1967

The following bids were received for Subdivision Paving Project 1967:

RES. NO. 3090

Claude C. Wood Company	\$58,159.50
Tompkins & Gallaven	\$9,019.00

On motion of Councilman Hunnell, Culbertson second, the City Council adopted Resolution No. 3090 awarding the contract for Subdivision Paving Project 1967 to the low bidder, Claude C. Wood Company.

SCHOOL  
NO PARKING  
REQUEST  
WITHDRAWN

Mr. Graves reported that the request for a "No-Parking" zone on Pacific Avenue by the School District has been withdrawn for further study by the District.

SPECS -  
B-1 BASIN  
STRUCTURES

Plans and specifications for B-1 Basin Structures and Drainage System were approved and calling for bids thereon authorized by unanimous vote of the Council on motion of Councilman Culbertson, Walton second.

SCHOOL  
CROSSWALK  
ACROSS HAM  
AT TURNER

RES. NO. 3091

A request has been received from the Lodi Unified Elementary School District for an additional school crossing across Ham Lane at the south side of Turner Road. The crosswalk is needed because of a change in school boundaries. The Public Works Department has recommended approval of the request. Councilman Culbertson moved the adoption of Resolution No. 3091 establishing a school crosswalk across Ham Lane at the south side of Turner Road. The motion was seconded by Councilman Walton and carried by unanimous vote.

SIDEWALK  
INSTALLATION  
AT 801 S. CHURCH

RES. NO. 3092

The City Manager stated that at the request of the Council, an effort has been made for the past year to get the property owners of 801 South Church Street to install sidewalk at that address. However, the sidewalk has not been installed and staff would like to know whether to drop the matter or proceed. Councilman Culbertson moved the adoption of Resolution No. 3092 directing the Superintendent of Streets to proceed to give notice in regard to sidewalk construction at 801 South Church Street in accordance with Section 5876, et seq., of the Streets and Highways Code. The motion was seconded by Councilman Walton and carried by unanimous vote. The matter of surveying the City for areas lacking in sidewalk is to be placed on the September 20 Agenda.

MAINTENANCE OF  
COMMUNICATIONS  
EQUIPMENT

Mr. Graves explained that the new communications console in the Public Safety Building carries with it a one-year warrantee and that the contractor who furnished the equipment has a contract with McGee Communications Electronics, Stockton, for this purpose. The City has been using the Services of Delta Industrial Communications, Stockton, the agent for Motorola which installed the radio equipment in the early fifties. Since it would be preferable to have one firm do the maintenance work, the City made a comparison of costs between Delta and McGee on the present equipment which showed that McGee was \$120 a month less than Delta. Mr. Graves recommended that the City enter into a contract with McGee for maintenance of all the City's radio communications equipment. Councilman Culbertson moved that the contract for maintenance of the communications equipment be transferred to McGee Communications and Electronics. The motion was seconded by Councilman Hunnell and carried unanimously.

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SPECS -  
POUND TRUCK  
CAB & CHASSIS

Mr. Graves presented specifications for a cab and chassis to be made into a pound truck. The body of the truck is to be made locally and installed by the bidder. On motion of Councilman Hunnell, Walton second, the Council adopted the specs for the cab and chassis and authorized calling for bids thereon.

ORDINANCES

REZONES TO C-2  
ADDED 50 FT. ON  
W/S OF CHEROKEE  
BTW KETTLEMAN  
AND POPLAR

ORD. NO. 849  
ADOPTED

ORD. NO. 849, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING THE WEST 50 FEET OF THE EAST 280 FEET OF LOTS 10, 11, 12 AND 13, LODI BARNHART TRACT, TO BE IN THE C-2 GENERAL COMMERCIAL DISTRICT," having been introduced at the regular meeting of August 16, 1967, was brought up for passage on motion of Councilman Brown, Walton second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, HUNNELL  
WALTON and KIRSTEN

Noes: Councilmen - None

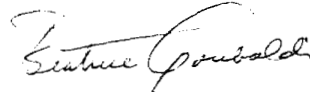
Absent: Councilmen - None

COMPLETION OF  
PUBLIC SAFETY  
BUILDING

Mr. Graves reported that the final inspection of the Public Safety Building had been made and the Court and Police and Fire departments would be moved in by September 11. Councilman Culbertson moved that the Public Works Director be authorized to sign the Notice of Completion for the Public Safety Building and for the Jail Equipment. The motion was seconded by Councilman Brown and carried by unanimous vote.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:10 p.m. on motion of Councilman Walton, Brown second.



Attest: Beatrice Garibaldi  
City Clerk